IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.950 OF 2007
IN
FIRST APPEAL NO.37 OF 2007

State of Maharashtra ...Applicant

vs.

Kashinath Timblya Gaikar
(since deceased through his legal heirs) ...Respondents

Mr.S.N.Gavade,A.G.P. for State
Mr.S.M.Kamble for the Respondents.

CORAM: A.S.OKA,J.
DATE : FEBRUARY 13,2007.

P.C.:

1. Heard Advocate for the Applicant and the Advocate for the Respondents. The Reference Court has awarded the market value at the rate of Rs.25/- per sq.meter for the land situated in the village Kharghar, Taluka Panvel, District Raigad. This Court has awarded the market value ranging from Rs.18/- to Rs.22/- per sq. meter. This Court has fixed the said market value in the cases where notification under section 4 of the Land Acquisition Act,1894 was issued on 3rd February 1970.

2. In this view of the matter, the claimants are permitted to withdraw 50% of the amount without furnishing security and balance 50% of the amount on furnishing security.

3. Hence, Civil Application is disposed of by passing the following order :

i) There will be interim relief in terms of prayer clause (b) subject to the condition of the Applicant depositing entire amount due and payable as per the impugned Award with the Reference Court within a period of twelve weeks from today. If compliance is not made within time, interim relief will stand vacated without reference to the Court.

ii) If compliance is made, the Reference Court will permit the original claimants to withdraw 50% of the amount without security and balance 50% of the amount on furnishing security to its satisfaction.

iii) The Applicant will be heard before accepting the security.

JUDGE